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PATENT APPLICATIONIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group
Art Unit: 2834

Attorney
Docket No.: 121038-0006

Applicant: Lawrence P. ZEPP and Jerry W. MEDLIN

Invention: BRUSHLESS PERMANENT MAGNET
WHEEL MOTOR WITH VARIABLE
AXIAL ROTOR/STATOR ALIGNMENT

Serial No: 10/714,313

Filed: November 14, 2003

Examiner: Thanh Lam

Certificate Under 37 CFR 1.8(b)

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via facsimile transmission on the date indicated below.

on August 23, 2004


Michael S. Gzybowald

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election of Species Requirement mailed August 10, 2004, in connection with the above-identified application, applicants submit the following:

In the Election of Species Requirement the Examiner has taken the position that the application includes claims directed at two different and patentably distinct species of the invention.

Specifically, the Examiner has taken the position that Figs. 1-5 are directed to one species of the invention (Species A) and that Figs. 6-7 are directed to a different species of the invention (Species B).

The Examiner states that there are no generic claims in the application.

Applicants note that the species of the invention which the Examiner contends to be distinct differ in the manner in which the second cylindrical member is moved with respect to the first cylindrical member.

Accordingly, claims 1-3, and 9-21 are generic to both species of the invention.

Applicants' hereby elect to have the species of the invention depicted in Figs. 1-5 examined in the present application.

The claims that read on the elected species (Species A) are 1-5 and 9-21.

Notwithstanding applicants' election, the Examiner is respectfully requested to reconsider the Election of Species Requirement and examine all of the pending claims 1-21 in the present application.

It is believed that the above is a complete response to the Election of Species Requirement.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fee due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

It is believed that by submitting the signed and dated Declaration together with the requisite

surcharge, the above-identified application is complete and may be processed for examination.

Respectfully submitted,



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